

REMARKS

Issues Raised in the Office Action

Claims 1-36 are currently pending in the application. By the Office Action dated December 16, 2003, claims 1-36 were rejected. By this Paper, the Applicant cancels claim 27, 28, 33 and 36, and amends claims 1, 5, 13, 21, 25, 31 and 34. In the Office Action, claims 1-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hellstrom in view of BE 637363A.

In view of the Examiner's remarks, the Applicant now has amended each of independent claims 1, 5, 13, 21, 25, 31, and 34 to more particularly claim the Applicant's invention. Independent claims 1, 5, 13, 21, 25, 31, and 34 now include the following limitations:

- a. the card or base now is inedible;
- b. the medication now is claimed as being applied to, or adhered to, or coated on the card or base or the surface thereof; and
- c. the medication is solubly removed from the card or base by contact with the mouth.

The Applicant believes the limitation of the card or base being inedible distinguishes the present invention over Belgian Patent No. 637363A which teaches a base comprised of a soluble cellulose derivative. The soluble base of Belgian patent allows the base, impregnated with the medication, to be dissolved in the user's mouth or in water to deliver the dose to the user.

The present invention is distinguished over U.S. Patent 3,540,579 ("Hellstrom") as the medication now is claimed as being "adhered" to or "coated" on the card or base

or the surface thereof. Hellstrom teaches a package which captures the medication therein. Upon breaking or removing the Hellstrom cover, the medication is available to the user.

The present invention is further distinguished over Hellstrom as the medication of the present invention now is claimed to be "solubly removeable" from the card or base by contact with the mouth. The medication of Hellstrom is simply contained within the Hellstrom package. Hellstrom does not teach or suggest a medication that is "adhered" to or "coated" on the Hellstrom card or base thus necessitating the soluble removal of the medication from the Hellstrom package.

The applicant believes a suggestion to combine Hellstrom with the teachings of Belgian Patent No. 637363A would provide the covering of Hellstrom being added to the dissolvable base or card of BE 637363A. This does not result in the inedible base of the present invention. The other alternative is to discard the dissolvable base of BE 637363A, and to combine the medication impregnation of BE 637363A with the Hellstrom base. This, depending on the material used in the Hellstrom base, would either: (1) not be possible to achieve; or (2) would result in the user having to try to suck the medication out of the impregnated card - - an unpleasant and ineffective method of dosing. This combination does not result in an inedible base having an adhered medication coating of the present invention.

Therefore the applicant believes that a combination of Hellstrom with BE 637363A does not achieve the present invention as claimed.

The primary purpose of Hellstrom is to provide dispensing package. Within the package, a pill (or other object) is freely or loosely held between the backing member

and the breakable membrane. The Hellstrom medication package does not disclose a medication that is coated or adhered onto a surface of a base. The package of Hellstrom merely retains the loosely held medication until the medication is dispensed.

There is no suggestion or motivation in Hellstrom for a package having a base with the medication adhered or coated onto the base, as recited in Independent Claims 1, 5, 13, 21, 25, 31, and 34 of the present invention. The medication in Hellstrom is completely separate from, and not bound or applied to, any portion of the package's components or structure. Neither does Hellstrom teach or suggest a powder formulation that is coated or adhered to the base or surface with the use of a binding agent. Further, there is no suggestion or motivation in Hellstrom for a powdered or gelled medication form that is coated or adhered to the base or surface. Thus, the Hellstrom reference specifically teaches away from both a base containing medication thereon or a medication applied to the base, and thus, teaches away from the Applicant's invention.

Accordingly, Hellstrom, taken alone or in combination with BE 637363A, does not teach or suggest a base containing medication, or a medication applied to the base, as recited in Claims 1, 5, 13, 34 and 36. More specifically, the combination of Hellstrom with BE 637363A does not teach or suggest a powder formulation that is applied directly to, contained directly on, or independent[ly] retained by a base or surface.

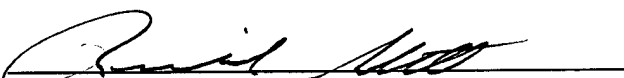
Therefore the Applicant believes the present claim amendments traverse the rejection under 35 U.S.C. § 103(a) of unpatentability over Hellstrom in view of BE 637363A. The Applicant respectfully requests that the claims be passed to issue.

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- 14 -

Reconsideration of the application as amended respectfully is requested. The foregoing amendment and remarks are believed to be responsive to every matter raised in the Office Action. However, if some matter has been overlooked, an opportunity to correct the oversight would be appreciated.

Respectfully submitted,



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